

Am



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,021	08/20/2001	Nikolai K.N. Leung	010437	7575

7590 04/24/2003

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

ODLAND, DAVID E

ART UNIT	PAPER NUMBER
----------	--------------

2662

4

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

107

Office Action Summary

Application No.

09/934,021

Applicant(s)

LEUNG ET AL.

Examiner

David Odland

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 & 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4, 6-9 and 11-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Gagnon et al. (EP number 1024661), hereafter referred to as Gagnon.

Referring to claim 1, Gagnon discloses a method in a wireless communications system supporting a broadcast service (a satellite communications system that supports the use of a pictographic program guide (PPG) (see abstract and figure 1)), comprised of transmitting a broadcast session on a broadcast transmission channel (a satellite broadcasting system broadcasts a audio and video programming to subscribers (see figure 1 and column 1)); and transmitting broadcast overhead information corresponding to the broadcast session on an overhead transmission channel (program guide data is also transmitted in a multiplexed channel (see columns 1 and 2 paragraphs 0003-0005)).

Referring to claim 2, Gagnon discloses the system discussed above. Furthermore, Gagnon discloses that the broadcast service is transmitted by a content server (the PPG is transmitted by a transmission station of the satellite system (see column 5 paragraph 0014)); the broadcast service has a corresponding protocol stack having an application layer and a transport layer (the PPG uses a protocol stack comprising an application layer and a transport layer (see figure 9 and column 23 paragraphs 0066 and 0067)); and the content server independently

Art Unit: 2662

controls the application layer and the transport layer protocols (the application and transport layer are independently controlled (see figure 9 and columns 23-28)).

Referring to claim 3, Gagnon discloses the system discussed above. Furthermore, Gagnon discloses that the broadcast service is transmitted as Internet Protocol data packets (the data is transmitted using IP packets (see figure 10 and columns 26 and 27)).

Referring to claim 4, Gagnon discloses the system discussed above. Furthermore, Gagnon discloses that during a broadcast transmission updating a portion of the broadcast overhead information (template information is used to update the PPG (see abstract)); and transmitting the broadcast overhead information with the updated portion (the template information carries the associated changes to be made to the PPG (see abstract)).

Referring to claims 6 and 11, Gagnon discloses a method in a wireless communications system supporting a broadcast service (a satellite communications system that supports the use of a pictographic program guide (PPG) (see abstract and figure 1)), comprised of receiving broadcast overhead information corresponding to the broadcast session on an overhead transmission channel (subscriber stations receive program guide data that corresponds to audio/video programming that is also received by the subscribers station (see columns 1 and 2)); accessing the broadcast session on a broadcast transmission channel (the subscriber station receives the audio/video programming (see columns 1 and 2)) and using the broadcast overhead information to process broadcast content of the broadcast session (the program guide data includes information the subscriber station uses to tune into a particular audio/video programming channel (see column 2)).

Art Unit: 2662

Referring to claim 7 and 12, Gagnon discloses the system discussed above. Furthermore, Gagnon discloses that the broadcast service is transmitted by a content server (the PPG is transmitted by a transmission station of the satellite system (see column 5 paragraph 0014)); the broadcast service has a corresponding protocol stack having an application layer and a transport layer (the PPG uses a protocol stack comprising an application layer and a transport layer (see figure 9 and column 23 paragraphs 0066 and 0067)); and the content server independently controls the application layer and the transport layer protocols (the application and transport layer are independently controlled (see figure 9 and columns 23-28)).

Referring to claim 8 and 13, Gagnon discloses the system discussed above. Furthermore, Gagnon discloses that the broadcast service is transmitted as Internet Protocol data packets (the data is transmitted using IP packets (see figure 10 and columns 26 and 27)).

Referring to claim 9, Gagnon discloses the system discussed above. Furthermore, Gagnon discloses that during a broadcast transmission receiving updated broadcast overhead information on an overhead transmission channel (template information is used to update the PPG (see abstract)) and processing broadcast content received on the broadcast transmission channel using the updated broadcast overhead information (the template information carries the associated changes that are made to the PPG (see abstract)).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2662

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagnon in view of Birdwell et al. (USPN 6,032,197), hereafter referred to as Birdwell. Referring to claims 5, 10 and 14, Gagnon discloses the system discussed above. Furthermore, Gagnon discloses that the system further comprises a packetized data service network (the system comprises a data packet network (see figure 1 and column 1)). Gagnon does not disclose that the packet network updates and transmits header compression information. However, Birdwell discloses a system wherein packet headers are compressed and transmitted in a broadcasting system (see abstract and figure 2)). It would have been obvious to one skilled in the art at the time of the invention to compresses the headers and transmit information relating to the compression in overhead channel of the Gagnon system, as taught by Birdwell, because doing so would increase the bandwidth efficiency and reduce transmission time delays of Gagnon which is important since Gagnon transmits time-sensitive data such as audio and video data.

Conclusion

5. The following prior art, which is made of record and not relied upon, is considered pertinent to applicant's disclosure:

- a. U.S. Patent Number 5448568 to Delpuch et al.
- b. U.S. Patent Number 5473609 to Chaney et al.
- c. U.S. Patent Number 5990928 to Sklar et al.

Art Unit: 2662


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Odland, who can be reached at (703) 305-3231 on Monday – Friday during the hours of 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached at (703) 305-4744. The fax number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, who can be reached at (703) 305-4750.

deo

April 15, 2003



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600